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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/800,600	03/15/2004	Kenton T. Oakes	KTO-01	1814				
7590 William J. Kolegraff 3119 Turnberry Way Jamul, CA 91935	05/03/2007		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">CHAUDHRY, SAEED T</td></tr></table>		EXAMINER		CHAUDHRY, SAEED T	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/800,600

Applicant(s)

OAKES, KENTON T.

Examiner

Saeed T. Chaudhry

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

Applicant's amendments and remarks filed November 3, 2006 have been acknowledged by the examiner and entered. Claims 14-16 have been canceled and claims 1-13 and 17-21 are pending in this application for consideration.

### **New ground of rejection Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

**Claims 1-2, 4-7, 11 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Metzger in view of Yamamoto.**

Metzger (4,128,478) discloses parts washer comprising a washer fixture (nozzle 25) directed into a washing basin (15); a trap vessel (26) connected to the wash basin with a drain line (41); a filter vessel (35) connected to the trap vessel (26) with a feed line; a pump (27) connected to the filter vessel (35) with a draw line, and connected to a wash line; and wherein the wash line is connected to the washer fixture. The washer fixture is a nozzle. The filter vessel is positioned so that the pump moves the cleaning liquid from the trap vessel into the filter vessel. The part washer is permanent housing for holding the washer basin, the washer fixture, the trap vessel, the filter vessel and the pump (see Fig. 1 and col. 2, lines 29-51). Metzger

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discloses a filter bag 60 as claimed in claim 6, which also read as a filter layer, as claimed in claim 7 (see col. 3, lines 22-26). The reference fails to draw cleaning liquid from the filter vessel.

Yamamoto (6,279,587) discloses a part washer having a sink, a drum of solvent and circulation system for drawing cleaning liquid from a filter (32) by a pump (38) through a draw line (31), wherein the pump is connected to a wash line (46 and 54), (see abstract and Fig. 1 col. 2, lines 24-65).

It is well known in the art to place the pump after the filter as disclosed by Yamamoto or before the filter as disclosed by Metzger. Therefore, it would have been obvious at the time applicant invented the claimed washing system replace the pump after the filter as disclosed by Yamamoto into the system of Metzger, since it has been held obvious to shift the location of the parts (see *In re Japiske*, 86 USPQ 70 (CCPA 1950)). Yamamoto discloses that the contaminants settled at the bottom of the drum at (70) and by suction of the pump reduces the turbulence in the drum. Therefore, one of ordinary skill in the art would expect that by using pump after the filter would reduce the turbulence in the vessel and contaminants will not clogged the filter, which would enhance the washing system performance.

**Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger in view of Yamamoto as applied to claim 1 above, and further in view of Russell.**

Metzger and Yamamoto were discussed supra. However, Metzger fails to disclose a sensor to activate the pump responsive to the position of the valve.

Russell (4,773,113) discloses an apparatus , wherein valve of a wand is connected to a sensor which activate the pump (see col. 6, lines 21-39).

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It would have been obvious at the time applicant invented the claimed apparatus to include a sensor to sense the valve position to activate and deactivate the pump as disclosed by Russell into the apparatus of Metzger for the purpose of controlling the pump when opening and closing the valve of the wash line.

**Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger in view of Yamamoto as applied to claim 1 above, and further in view of Fossati et al.**

Metzger and Yamamoto were discussed supra. However, Metzger fails to disclose that filter vessel having a float.

Fossati et al (3,850,184) disclose a parts treating apparatus comprising a float to control a valve for controlling liquid level in the vessel (see col. 6, lines 40-52).

It is well known in the art to have a float in a vessel to control liquid level in the vessel as disclosed by Fossati et al. Therefore, it would have been obvious at the time applicant invented the claimed apparatus to include a float in the filter vessel of Metzger for controlling the liquid level.

**Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger in view of Yamamoto as applied to claim 1 above, and further in view of Hilgren.**

Metzger and Yamamoto were discussed supra. However, Metzger fails to disclose that part washer is portable or supported on a cart and trap or filter vessel has wheels.

Yamamoto (6,279,587) discloses a parts washer having a trap vessel having wheels so that vessel can be easily pulled out and replaced with another vessel. This is desirable, where it is desired to change to a different type of solvent dolly 94 (see col. 4, lines 32-36 and Fig. 1).

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Hilgren (5,303,725) discloses a portable part washer supported on wheels having a basin; a vessel for holding cleaning liquid, a pump for pumping cleaning liquid from the vessel to the basin and a filter for filtering cleaning liquid (see Fig. 1).

It is well known in the art of part washer to make part washer portable to transport part washer closer to place of washing parts as disclosed by Hilgren. Therefore, it would have been obvious at the time applicant invented the claimed apparatus to support the Metzger apparatus on a wheeled cart to transport from one place to another as disclosed by Hilgren.

Further, it not regarded as inventive to merely make an old device portable or movable without producing any new and unexpected result (see *Ranco, Inc. v. Gwynn et al.*, 128 F.2d 437 [54 USPQ]).

It would have been obvious at the time applicant invented the claimed apparatus to include wheels to the trap vessel as disclosed by Yamamoto into the apparatus of Metzger for purpose of quick change of the fresh or different type of solvent.

**Claims 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Metzger in view of Yamamoto as applied to claim 1 above, and further in view of Mead.**

Metzger and Yamamoto were discussed supra. However, Metzger fails to disclose a bypass of a filter.

Mead (5,385,159) discloses a filter bypass line (see Fig. 4 and col. 2, lines 62-67).

It would have been obvious at the time applicant invented the claimed apparatus to include a bypass as disclosed by Mead into the apparatus of Metzger since it is well known in the art to exclude an element when the element and its function is not required (see *In re Karson*, 136 USPQ 184 (CCPA 1963)).

**Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Metzger in view of Yamamoto and Hilgren.**

Metzger and Yamamoto were discussed supra. However, Metzger fails to draw cleaning liquid from the filter vessel and part washer is portable or supported on a cart.

Hilgren (5,303,725) discloses a portable part washer supported on wheels having a basin; a vessel for holding cleaning liquid, a pump for pumping cleaning liquid from the vessel to the basin and a filter for filtering cleaning liquid (see Fig. 1).

It is well known in the art to place the pump after the filter as disclosed by Yamamoto or before the filter as disclosed by Metzger. Therefore, it would have been obvious at the time applicant invented the claimed washing system replace the pump after the filter as disclosed by Yamamoto into the system of Metzger, since it has been held obvious to shift the location of the parts (see *In re Japiske*, 86 USPQ 70 (CCPA 1950)). Yamamoto discloses that the contaminants settled at the bottom of the drum at (70) and by suction of the pump reduces the turbulence in the drum. Therefore, one of ordinary skill in the art would expect that by using pump after the filter would reduce the turbulence in the vessel and contaminants will not clogged the filter, which would enhance the washing system performance.

Further, it is well known in the art of part washer to make part washer portable to transport part washer closer to place of washing parts as disclosed by Hilgren. Therefore, it would have been obvious at the time applicant invented the claimed apparatus to support the Metzger apparatus on a wheeled cart to transport from one place to another as disclosed by Hilgren.

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Furthermore, it is not regarded as inventive to merely make an old device portable or movable without producing any new and unexpected result (see *Ranco, Inc. v. Gwynn et al.*, 128 F.2d 437 [54 USPQ]).

**Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger in view of Yamamoto and Hilgren as applied to claim 17 above, and further in view of Fossati et al.**

Metzger, Yamamoto and Hilgren were discussed supra. However, Metzger fails to disclose that filter vessel having a float.

Fossati et al (3,850,184) disclose a parts treating apparatus comprising a float to control a valve for controlling liquid level in the vessel (see col. 6, lines 40-52).

It is well known in the art to have a float in a vessel to control liquid level in the vessel as disclosed by Fossati et al. Therefore, it would have been obvious at the time applicant invented the claimed apparatus to include a float in the filter vessel of Metzger for controlling the liquid level. Further, it has been held obvious to duplicate parts for a multiplied effect (see *St. Regis Paper Co. v. Bemis Co., Inc.* 193 USPQ 8, 11 (7<sup>th</sup> Cir. 1977)). Therefore, it would have been obvious to include more than one filter for purpose of efficiently removing contamination from the liquid.

**Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Metzger in view of Yamamoto and Hilgren as applied to claim 17 above, and further in view of Russell.**

Metzger, Yamamoto and Hilgren were discussed supra. However, Metzger fails to disclose a sensor to activate the pump responsive to the position of the valve.



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Russell (4,773,113) discloses an apparatus , wherein valve of a wand is connected to a sensor which activate the pump (see col. 6, lines 21-39).

It would have been obvious at the time applicant invented the claimed apparatus to include a sensor to sense the valve position to activate and deactivate the pump as disclosed by Russell into the apparatus of Metzger for the purpose of controlling the pump when opening and closing the valve of the wash line.

Applicant's arguments with respect to claims 1-13 and 17-21 have been considered but are deemed to be moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

*Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.*

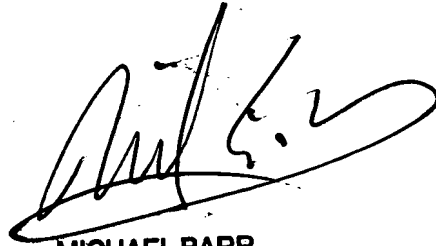
*If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Barr, can be reached on (571)-272-1414. The fax phone number for non-final is (703)-872-9306.*

*When filing a FAX in Gp 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are for entry into the file of the application. This will expedite processing of your papers.*

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*Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.*

**Saeed T. Chaudhry**  
*Patent Examiner*

A handwritten signature in black ink, appearing to read "Michael Barr", with a large, sweeping flourish at the end.

**MICHAEL BARR**  
**SUPERVISORY PATENT EXAMINER**